REMARKS

This Amendment is in response to the Final Office Action mailed November 13, 2002. Reexamination and reconsideration of this case is respectfully requested in view of the foregoing amendments and the following remarks.

In the Final Office Action, claims 6-48 were rejected under 35 USC 103(a), and claims 53-66 were withdrawn due to restriction.

Claims 6, 9, 12-16, 19, 23, 26, 29, 33, 41, and 46 have been amended by this response. Claims 67-75 have been added and claims 53-66 have been cancelled without prejudice by this response. Claims 1-5 and 49-52 were previously cancelled. Accordingly, claims 6-48 and 67-75 are now pending. Of these claims pending, claims 6, 16, 26, 41, 46, 70, and 73 are independent claims. Applicant believes that no new matter has been added by this response.

I) RESTRICTION REQUIREMENT UNDER 37 CFR 1.145

In Section 1 of the Final Office Action, new claims 53-66 were withdrawn from consideration as being directed to a non-elected invention that is independent and/or distinct from the invention originally claimed. [Final Office Action, Page 2, lines 2-11].

To comply with the restriction requirement, Applicant hereby cancels without prejudice claims 53-66. The cancellation of claims 53-66 is not made for reasons related to patentability.

II) CLAIM OBJECTIONS AS TO FORM UNDER 37 CFR 1.121(c)

In Section 4 of the Final Office Action, the amendment to claims 6-48 made in responses filed on 05/13/2002 and 08/28/2002 were objected to for being non-compliant with 37 CFR 1.121(c).

Claim 6 was specifically objected to because the language "*receiving a second user-specified source selection identifying a selector source for the second user-specified show selection*" (lines 15-16) of claim 6 was not present in the mark-up copy provided by applicant on 5/13/2002.

In response, assuming that this language was entered, Applicant hereby amends claim 6 to delete this language if it was entered. Note that the markup version of claim 6 herein indicates that this language is being deleted and the clean version of claim 6 herein does not have this language.

Additionally, all claims were specifically objected to because they lacked a parenthetical expression indicating the status of the claim.

In response, Applicant herein provides the updated status of the claims indicating the number of times the claims have been amended. Applicant notes that this rule of practice is currently being revised and will change in the near future to a new final rule of practice of amending claims under 37 CFR 1.121(c).

III) CLAIM REJECTIONS UNDER 35 USC 103(a)

In Section 2 of the Final Office Action, claims 6-48 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,900,916 issued to Nicholas J. Pauley ("Pauley") and U.S. Patent No. 5,801,787 issued to Schein, et al. ("Schein"). Applicant respectfully traverses.

Applicant has amended independent claims 6, 16, 26, 41 and 46.

"To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)" [MPEP § 2142; 8th Edition, Rev. 1, Feb. 2003, Pg. 2100-124].

Moreover, it is not a proper ground of rejection when the "suggested combination of references would require a substantial reconstruction and redesign of the elements." [MPEP § 2143.01, Original 8th Edition, Aug. 2001, Pg. 2100-124 and *In re Ratti*, 270 F2d. 810, 123 USPQ 349 (C.C.P.A. 1959)].

In order to combine Schein into Pauley, significant modifications to elements are needed. Referring to Pauley's Fig. 1, Pauley discloses a picture-in-picture (PIP) system that receives analog video signals from the various analog program sources. It is clear that analog video signals are being switched by Pauley's first switch 38 and second switch 40 because of the analog video outputs from the VCR 30 and the digital video disk (DVD) player 32 "are each supplied to [the] first switch 38 and [Pauley's] second switch 40." [Pauley, Col. 5, lines 48-49].

Pauley's first switch 38 and second switch 40 swap analog video signals between being sent to the image generation electronics for the monitor 12 and the PIP board, respectively.

Pauley further discloses a pair of tuners 26 and 28 to tune to the carrier frequency of an analog signal channel. Pauley does not disclose receiving a digital signal from a digital program source and then decoding it in a decoder in order to obtain a digital video signal.

Moreover, adding Schein's on-screen television guide system to Pauley would require significant modifications to Pauley's picture in picture circuitry in order to display the guide system on the display in conjunction with the main picture and the picture-in-picture.

Pauley does not disclose any new circuitry for generating picture-in-picture images, only a new method for control thereof. The generation of picture-in-picture (PIP) by PIP board circuitry is described in Pauley's background section.

"[T]he main picture [is] generated and displayed as before." [Pauley, Col. 1, lines 62-63]. "[T]he main picture set to a first channel [is] derived from a first television station". [Pauley, Col. 1, lines 48-49]. "PIP [is] generated by a PIP circuit which store[s] images, or selected pixels of the image, coming from [a] second channel." [Pauley, Col. 1, lines 63-65]. "The image information in the PIP circuitry [is] stored in digital memory." [Pauley, Col. 2, lines 2-3].

"PIP provide[s] an apparently complete image of the second channel to the viewer. While in actuality, various bits of information, denominated pixels, [are] dropped from the actual displayed PIP, given the relatively smaller size of the PIP, the image appear[s] substantially complete to the viewer." [Pauley, Col. 1, lines 39-44]. Moreover because the image is stored,

Pauley's "PIP circuitry provide[s] a[n] imperceptively delayed PIP." [Pauley, Col. 2, lines 6-7].

In contrast, Applicant's invention avoids using picture-in-picture circuitry by combining multiple video signals into a single video output stream for display by a display device.

Thus, the elements of Pauley require significant modifications in order to support a digital program source and display images there-from, as well as to combine Pauley and Schein together, to provide PIP and an on-screen guide system.

Furthermore the motivation provided by the Final Office Action for combining Schein into Pauley, "enabling easy selection of desired shows at desired times from a combined list of multiple input sources", is not convincing. [Final Office Action, Page 4, lines 16-17].

It is equally likely that Pauley's new control system for PIP does not need Schein's on-screen guide system in order to select shows for display.

"[T]he examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." [MPEP § 706.2(j), Original 8th Edition, Aug. 2001, Pg. 700-31; citing *Ex Parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App & Inter. 1985)].

Moreover regarding independent claim 6, neither Pauley nor Schein disclose "concurrently displaying the second user-specified show selection on ***a second portion of the display screen differing from the first portion of the display screen***" (e.g., side by side) as recited in Applicant's claim 6 as amended. (emphasis added) [Claim 6, lines 27-29].

Moreover regarding independent claim 16, neither Pauley nor Schein disclose "the first and second user-specified show selections being concurrently processed by the first front-end unit and the second front-end unit, respectively ***to be displayed concurrently on the display monitor in different locations***" as recited in Applicant's claim 16 as amended. (emphasis added) [Claim 16, lines 34-38].

Moreover regarding independent claim 26, neither Pauley nor Schein disclose "***simultaneously display[ing] said selected first and second shows on the display monitor*** corresponding to the first user-specified digital program source and the second user-specified digital program source, respectively, ***in differing locations***" as recited in Applicant's claim 16 as amended. (emphasis added) [Claim 26, lines 25-29].

Moreover regarding independent claim 41, neither Pauley nor Schein disclose "concurrently servicing the first user-specified show selection provided by the first user-specified digital program source selection and the second user-specified show selection provided by the second user-specified digital program source selection to ***concurrently display a first show and a second show on a display monitor in different locations***" (emphasis added) [Claim 41, lines 22-27].

Moreover regarding independent claim 46, neither Pauley nor Schein disclose "concurrently servicing each of the plurality of digital program sources corresponding to the plurality of user-specified selections associated with each corresponding user-specified source selection ***to concurrently display at least a first show and a second show of the plurality of digital program sources on a display monitor in different locations***" as recited in Claim 46 as amended. (emphasis added) [Claim 46, lines 14-19].

Schein does not disclose the concurrent displaying of multiple images or the concurrent servicing of program sources to display multiple images.

As disclosed in Pauley, "'picture-in-picture' or 'PIP' means a main picture with a smaller picture from a second channel overlaying the main picture." [Pauley, Col. 5, lines 28-30]. That is in PIP systems, the second channel is not displayed in a different portion of the screen (e.g., side by side) as the image is overlaid on top of the other image.

Thus for the foregoing reasons, Applicant respectfully requests the withdrawal of the 35 USC §103(a) rejections of independent claims 6, 16, 26, 41, and 46.

Regarding dependent claims 7-9, the Final Office Action took "Official Notice that it is notoriously well known in the art to implement amplitude modulation, frequency modulation and phase modulation for transmitting programs from a central station to terminals at user locations". [Final Office Action, page 5, lines 15-17]. Applicant respectfully challenges the taking of Official Notice.

Applicant has added claim 67 and amended claim 9 to be dependent there-from.

Claims 7-8 recite coding techniques in contrast to modulation techniques. Furthermore, claim 8 recites that the second coding technique differs from the first coding technique.

Regarding claim 67 and 9, claim 67 recites a first modulation technique and a second modulation technique that differs from the first modulation technique.

Regarding dependent claims 21-23 and 31-33, the Final Office Action took "Official Notice that it is notoriously well known in the art to implement amplitude modulation, frequency modulation and phase modulation for transmitting programs from a central station to terminals at user locations". [Final Office Action, page 8, lines 9-11]. Applicant respectfully challenges the taking of Official Notice.

Applicant has added claims 68 and 69 and amended claims 23 and 33 to be dependent respectively there-from.

Claims 21-22 and 31-32 recite coding techniques in contrast to modulation techniques. Furthermore, claims 22 and 23 recite that the second coding technique differs from the first coding technique.

Regarding claims 68 and 23 and claims 69 and 33, claims 68 and 69 recite a first modulation technique and a second modulation technique that differs from the first modulation technique.

Moreover rejected dependent claims 7-15; 17-25; 27-40; 42-45; and 47-48 are directly or indirectly dependent from independent claims 6, 16, 26, 41, and 46, respectively.

Applicant believes that it has placed independent claims 6, 16, 26, 41, and 46 in condition for allowance such that dependent claims depending there-from with added limitations are also in condition for allowance.

Therefore, Applicant respectfully requests the withdrawal of the 35 USC §103(a) rejections of dependent claims 7-15; 17-25; 27-40; 42-45; and 47-48.

IV) NEW CLAIMS

Applicant has added new claims 67-75 of which claims 70 and 73 are new independent claims.

New claim 67 depends from independent claim 6.

New claim 68 depends from independent claim 16.

New claim 69 depends from independent claim 26.

Applicant believes it has placed independent claims 6, 16 and 26 in condition for allowance such that dependent claims depending there-from with further limitations are also in condition for allowance. Applicant respectfully submits that new claims 67-69 are in condition for allowance for this reason.

New claims 70-72 are method claims mirroring claims 41-43 as amended, but with one program source being a digital program source and another program source being an analog program source.

New claims 73-75 are apparatus claims mirroring claims 26-28 as amended, but with one program source being a digital program source and another program source being an analog program source.

Applicant respectfully submits that new claims 70-75 are in condition for allowance for the same reasons that claims 41-43 and 26-28 are in condition for allowance.

V) TITLE AMENDMENT

Applicant respectfully requests that the Title of the Application be changed to:

--SYSTEMS AND METHODS FOR SIMULTANEOUSLY RECEIVING AND DISPLAYING PROGRAM DATA FROM DIFFERENT TYPES OF ANALOG AND DIGITAL VIDEO SOURCE SYSTEMS--.

VI) INFORMATION DISCLOSURE STATEMENTS (IDS)

1) Applicant filed an Information Disclosure Statement on 02/21/2001 with a Form 1449 (modified) including two "Other Documents", one of which was entitled "Issues in Advanced Television Technology", by S. Merrill Weiss. Applicant presumes that the Examiner considered this reference but the returned Form 1449 (modified) mailed by the USPTO, a copy of which is attached hereto as Exhibit 1, does not indicate the Examiner's initials.

Applicant respectfully requests the Examiner to reconsider the reference "Issues in Advanced Television Technology", by S. Merrill Weiss and initial and date the Form 1449 (modified) to indicate that the reference was considered and a copy thereof returned to Applicant for its records.

2) Applicant filed an Information Disclosure Statement on 04/14/2003 coincident with the filing of a Request for Continued Examination (RCE).

Applicant respectfully requests the Examiner to consider the prior art cited on the Information Disclosure Statement filed on 04/14/2003 and return an initialed copy of the Form 1449 filed therewith for Applicant's records.

3) Applicant filed an Information Disclosure Statement on 04/29/2003 prior to the filing of this Amendment and Response.

Applicant respectfully requests the Examiner to consider the prior art cited on the Form 1449 submitted with the Information Disclosure Statement filed on 04/29/2003 and return an initialed copy of the Form 1449 for Applicant's records.

VERSION WITH MARKINGS TO SHOW CHANGES MADE TO TITLE

The title was amended as follows:

"[A SYSTEM] SYSTEMS AND [METHOD] METHODS FOR [PROVIDING DIGITAL] SIMULTANEOUSLY RECEIVING AND DISPLAYING PROGRAM DATA FROM DIFFERENT TYPES OF ANALOG AND DIGITAL VIDEO SOURCE SYSTEMS [AND AUDIO BROADCASTS]".

VERSION WITH MARKINGS TO SHOW CHANGES MADE TO AMENDED CLAIMS

6. (Amended Five Times) A method for selecting [the] user-specified sources of at least two shows capable of being concurrently received and displayed by an entertainment system, the method comprising:

receiving a first user-specified show selection;

displaying a first plurality of digital program sources available for providing the first user-specific show selection:

receiving a first user-specified source selection from the first plurality of digital program sources;

receiving a first signal [from the first user] identifying a first selected digital program source for the first user-specified show selection;

displaying the first user-specified show selection of the first selected digital program source on a first portion of a display screen;

and the method further includes

receiving a second user-specified show selection;

displaying a second plurality of digital program sources available for providing the second user-specified show selection;

receiving a second user-specified source selection from the second plurality of digital program sources;

receiving a second signal [user-specified source selection] identifying a [selector] second selected digital program source for the second user-specified show selection, the second selected digital program source differing from the first selected digital program source; and

[receiving a second signal from the second user specified source]

concurrently displaying the second user-specified show selection on a second portion of the display screen differing from the first portion of the display screen.

9. (Amended Two Times) The method of Claim 67 [8], wherein

the first and second [coding] modulation techniques are selected from a group consisting of: amplitude modulation, frequency modulation and phase modulation.

12. (Amended One Time) The method of Claim 6, further comprising:

loading programming data associated with [the selected first channel of] the first user-specified show selection into a memory of the entertainment system; and

loading programming data associated with [the selected second channel of] the second user-specified show selection into the memory of the entertainment system.

13. (Amended Two Times) The method of Claim 12, further comprising:

[prompting selection of the first and the second shows corresponding to the first and the second channels, by executing

software by a central processing unit, implemented within the entertainment system, to produce]

generating a screen menu to prompt selection of the first user-specified show selection and the second user-specified show selection;

[and wherein the step of selecting comprises]

selecting a first option grid of the screen menu to load the corresponding programming data of the first user-specified show selection into the memory; and

selecting a second option grid of the screen menu to load the corresponding programming data of the second user-specified show selection into the memory.

14. (Amended Two Times) The method of Claim 7, further comprising:

recording by a first recorder [of one of] said first show without recording [and] said second show [shows].

15. (Amended Two Times) The method of Claim 14, further comprising:

recording by a second recorder [of the other one of said first and] said second [shows] show without recording said first show.

16. (Amended Six Times) An entertainment system comprising:

a display monitor; and

a broadcast receiver coupled to the display monitor, the broadcast receiver including

a first front-end unit capable of receiving digital programming data to be viewed on the display monitor, the

digital programming data associated with a first user-specified show selection provided by a first user-specified source selection from a first plurality of digital program sources [displayed for providing the first user-specified show selection];

a second front-end unit capable of receiving digital programming data to be viewed on the display monitor, the digital programming data associated with a second user-specified show selection provided by a second user-specified source selection from a second plurality of digital program sources [displayed for providing the second user-specified show selection];

a plurality of memory elements; [and ;]

a central processing unit coupled to the plurality of memory elements, the central processing unit executing software

to assist the broadcast receiver in loading digital programming data associated with one of either the first user-specified show selection or the second user-specified show selection into one of the plurality of memory elements along with information to display said first user-specified show selection on the display monitor upon receiving a first show selection signal, and

to simultaneously display said first and second user-specified show selections [selection] on the display monitor upon receiving a second show selection signal; [,]

and

wherein the first and second user-specified show selections being concurrently processed [concurrently and

separately] by the first front-end unit and the second front-end unit, respectively [and] to be displayed concurrently on the display monitor in different locations.

19. (Amended Two Times) The entertainment system of claim 16, wherein

the central processing unit of the broadcast receiver executes software to provide a screen menu,

and wherein

selection of a first option grid of the screen menu signals the central processing unit to load a first programming data into the one of the plurality of memory elements indicating that the first show is to be displayed.

23. (Amended Two Times) The entertainment system of Claim 68 [22], wherein

the first and second [coding] modulation techniques are selected from a group consisting of: amplitude modulation, frequency modulation and phase modulation.

26. (Amended Six Times) An entertainment system comprising:

a display monitor; and

a broadcast receiver coupled to the display monitor, the broadcast receiver including

a first front-end unit capable of receiving digital programming data associated with a first show broadcast from a first user-specified digital program source to be viewed on the display monitor,

a second front-end unit capable of receiving digital programming data associated with a second show broadcast

from a second user-specified digital program source to be viewed on the display monitor, the second user-specified digital program source differing from the first user-specified digital program source,

a plurality of memory elements, and

a central processing unit coupled to the plurality of memory elements, the central processing unit executing software

to assist the broadcast receiver in loading digital programming data associated with a selected one of the first and the second shows into one of the plurality of memory elements along with information, and

to simultaneously display said selected first and second shows on the display monitor corresponding to the first user-specified digital program source and the second user-specified digital program source, respectively, in differing locations.

29. (Amended Two Times) The entertainment system of claim 26, wherein

the central processing unit of the broadcast receiver executes software to provide a screen menu,

and wherein a selection of a first option grid of the screen menu signals the central processing unit to load a first programming data into the one of the plurality of memory elements indicating that the first show is to be displayed.

33. (Amended Two Times) The entertainment system of Claim 69 [32], wherein

the first and second [coding] modulation techniques are selected from a group consisting of: amplitude modulation, frequency modulation and phase modulation.

41. (Amended Four Times) A method for selecting [the] at least two differing digital program sources [of at least two selections] capable of being separately received, processed, and displayed, recorded or displayed and recorded by an entertainment system, the method comprising:

receiving a first user-specified selection;

in response to receiving a first user-specified selection, displaying a first plurality of digital program sources available for providing the first user-specified selection;

receiving a first user-specified digital program source selection from the first plurality of digital program sources;

receiving a second user-specified selection;

in response to receiving the second user-specified selection, displaying a second plurality of digital program sources available for providing the second user-specified selection;

receiving a second user specified digital program source selection from the second plurality of digital program sources, the second user specified digital program source selection differing from the first user specified digital program source selection; and

[separately processing and] concurrently servicing the first user-specified show selection provided by the first user-specified digital program source selection and the second user-specified show selection provided by the second user-specified digital program source selection to concurrently display a first

show and a second show on a display monitor in different locations.

46. (Amended Three Times) A method for selecting [the] at least two differing digital program sources [of at least two selections] capable of being separately received, processed and displayed, recorded or displayed and recorded by an entertainment system, the method comprising:

receiving a plurality of user-specified selections;

in response to receiving the plurality of user-specified selections, displaying a plurality of digital program sources available for providing each of the plurality of user-specified selections, at least two of the plurality of digital program sources being different;

receiving a user specified source selection for each of the plurality of user-specified selections; and

[separately processing and] concurrently servicing each of the plurality of digital program sources corresponding to the plurality of user-specified selections associated with each [provided by its] corresponding user-specified source selection to concurrently display at least a first show and a second show of the plurality of digital program sources on a display monitor in different locations.

CONCLUSION

In view of the foregoing it is respectfully submitted that the claims are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance of the claims at an early date is solicited.

The Examiner is invited to contact Applicant's undersigned counsel by telephone at (714) 557-3800 to expedite the prosecution of this case should there be any unresolved matters remaining. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Dated: May 5, 2003

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Arlington, VA 22313-1450 on: May 5, 2003.

Susan McFarlane 5/5/03
Susan McFarlane *Date*